

this act, except in cases of fraud or concealment herein before mentioned; any law, usage or custom to the contrary notwithstanding. A. D. 1822.

VII. *And be it further enacted*, That it shall be lawful for the creditor, on the trial of any issue before the jury under the provisions of this act, to have the debtor examined on oath before the said jury. Debtor examined on oath.

VIII. *Be it further enacted*, That all laws, and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed. Repealing clause.

CHAPTER IV.

An act to amend an act, passed in one thousand eight hundred and twenty-one, entitled "an act to provide for the execution of process, where there shall be no proper sheriff in the county to execute the same."

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That if, between any two terms of any Superior Court of Law and Equity in this state, there should be no proper officer in any county in this State, to which any process original, mesne or final, of said court shall or ought to be directed, who can lawfully serve or execute the said process; or if there be such officer who shall refuse or neglect to execute the same, then, and in such case, the judge of the Superior Courts of Law and Equity, or any judge of the Supreme Court, the same being made appear to him, shall authorise and command the sheriff of any adjoining county to the one to which the said process shall, or ought to be directed, to serve and execute the said process, who shall have the same powers, and receive the same fees, as the sheriff of the county would or might be entitled to receive. Sheriffs of adjoining counties to serve process.

II. *And be it further enacted*, That hereafter, when any process shall be directed to any sheriff of an adjoining county, under the before recited act, to be served out of the county in which said sheriff may reside, such sheriff shall, for such service, have and receive, not only the fees heretofore allowed him by law, or by the before recited act, but be allowed as a further compensation, the sum of five cents, for every mile which he may be compelled to travel in going to and returning from the serving the said process: *Provided, nevertheless*, that whenever any writ of fieri facias against any defendant, shall amount to five hundred dollars or upwards, shall be directed to any sheriff of an adjoining county under the before recited act, then, and in that case, such sheriff shall not be allowed mileage, but the commissions which such sheriff shall be entitled to receive upon such sum, shall be deemed a sufficient compensation for serving such fieri facias: any law, custom or usage to the contrary notwithstanding. 5 cents per mile, as extra fees.

CHAPTER V.

An act to regulate in part the practice in the County and Superior Courts.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in